

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 3, 2020**

***Regularly Scheduled Meeting
2:00 p.m.
Warren Green Building, First Floor Meeting Room
10 Hotel Street
Warrenton, Virginia***

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, September 3, 2020, beginning at 2:00 p.m. in the Warren Green Building, First Floor Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Maximilian Tufts, Jr., Vice-Chairperson; Mrs. Mary North Cooper; Mr. Benjamin Tissue, Jr.; and Mr. Lawrence G. McDade.

Also present were Mr. Adam Shellenberger, Chief of Planning; Ms. Heather Jenkins, Assistant Chief of Zoning/Development Services; Ms. Mary Catherine Anderson, Senior Assistant County Attorney; Mrs. Meredith Meixner, Planning Associate; and Mrs. Maureen Williamson, Administrative Associate.

Staff participating remotely included Mr. Josh Frederick, Senior Planner; Ms. Kara Krantz, Planner II and Ms. Lauren Runyan, Planner.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mr. Shellenberger read the public hearing protocol.

Mr. Shellenberger stated that, to the best of his knowledge, the cases before the Board of Zoning Appeals for public hearing have been properly advertised, posted and letters of notification sent to adjoining property owners.

MINUTES:

On motion made by Mr. Tufts and seconded by Mr. Tissue, it was moved to approve the August 6, 2020 minutes.

The motion carried unanimously.

REGULAR AGENDA:

SPECIAL PERMIT – #SPPT-20-012954 – RANDY L. & JANET S. WEESE (OWNERS/APPLICANTS) – WEESE PASO FINO FARM, LLC – An application for a

Category 15 Special Permit to allow for commercial storage and processing of bulk agricultural products, PIN 6879-48-7867-000, located at 10635 Fox Plantation Lane, Lee District, Bealeton, Virginia. (Lauren Runyan, Staff)

Ms. Runyan reviewed the staff report.

Mr. Meadows opened the public hearing.

Mr. Randy Weese, applicant, expressed agreement with the staff report and reviewed the proposal. Mr. Weese did, however, request that the proposed hours (9:00 a.m. to 4:00 p.m., Monday through Friday) for delivery of materials be expanded to 7:00 a.m. to 5:00 p.m., Monday through Friday.

Mrs. Janet Weese, applicant, spoke in support of approval. Mrs. Weese stated that this is a farm operation rather than being commercial. She noted that a Farm Structure Affidavit was obtained from the County prior to the establishment of this use.

Mr. Tom Moore, neighbor, spoke in support of approval. Mr. Moore stated that there has never been an issue with noise from the property and that the road is wide enough to accommodate the large trucks. He noted that when school was in session, the children waiting for the bus were usually gone prior to the arrival of the trucks.

In that there were no further speakers, Mr. Meadows closed the public hearing.

After discussion, on motion made by Mr. Tufts and seconded by Mr. McDade, it was moved to grant the Special Permit, after due notice and hearing, as required by *Code of Virginia* §15.2-2204 and Section 5-009 of the Fauquier County Zoning Ordinance, based upon the following Board findings:

1. The proposed use will not adversely affect the use or development of neighboring properties or will not impair the value of nearby land.
2. The proposed use is in accordance with the applicable zoning district regulations and applicable provisions of the Comprehensive Plan.
3. Pedestrian and vehicular traffic generated by the proposed use will not be hazardous or conflict with existing patterns in the neighborhood.
4. Adequate utility, drainage, parking, loading and other facilities are provided to serve the proposed use.
5. Air quality, surface and groundwater quality and quantity will not be degraded or depleted by the proposed use to an extent that would hinder or discourage appropriate development in nearby areas.
6. The proposed use is consistent with the general standards for Special Permits.

7. The type and amount of traffic generated by the use is such that it will not cause an undue impact on neighbors or adversely affect the safety of road usage.

The Special Permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses, as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance:

1. The use shall be in general conformance with the information and drawings submitted with the Special Permit application, except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. Not more than two (2) single axle delivery trucks/hauling vehicles shall be operated from the site or stored there overnight. All delivery trucks/hauling vehicles shall be parked overnight in the storage barn.
3. There shall be no more than one (1) truck load of bedding material delivered to the property per day and no more than four (4) per week. Deliveries made to the property shall be limited to between 9:00 a.m. and 2:00 p.m., Monday through Friday.
4. Delivery of the materials to clients shall be limited to between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. Additionally, there shall be no more than three (3) delivery trips from the property per day.
5. There shall not be any public contact on the property associated with the use.
6. The storage of bulk materials shall be limited to the existing 60 x 40 foot metal barn.
7. All applicable zoning and building permits shall be obtained prior to establishment of the use.
8. A Site Plan shall be required prior to establishment of the use.
9. The application shall be approved for a period of five (5) years.

The motion carried unanimously.

SPECIAL PERMIT – #SPPT-20-013021 – LINDA H. KIGHT (OWNER/APPLICANT) – KIGHT PROPERTY – An application for a Special Permit to allow the keeping of an animal on a residential lot 40,000 square feet or greater in size, PIN 6060-60-0479-000), located at 4102 Rectortown Road, Marshall District, Marshall, Virginia. (Kara Krantz, Staff)

Ms. Krantz reviewed the staff report.

Mr. Meadows opened the public hearing.

Ms. Linda Kight, applicant, expressed agreement with the staff report.

In that there were no further speakers, Mr. Meadows closed the public hearing.

On motion made by Mr. McDade and seconded by Mr. Tufts, it was moved to grant the Special Permit, after due notice and hearing, as required by *Code of Virginia* §15.2-2204 and Section 5-009 of the Fauquier County Zoning Ordinance, based upon the following Board findings:

1. The proposed use will not adversely affect the use or development of neighboring properties or will not impair the value of nearby land.
2. The proposed use is in accordance with the applicable zoning district regulations and applicable provisions of the Comprehensive Plan.
3. Pedestrian and vehicular traffic generated by the proposed use will not be hazardous or conflict with existing patterns in the neighborhood.
4. Adequate utility, drainage, parking, loading and other facilities are provided to serve the proposed use.
5. Air quality, surface and groundwater quality and quantity will not be degraded or depleted by the proposed use to an extent that would hinder or discourage appropriate development in nearby areas.
6. The proposed use is consistent with the general standards for Special Permits.

The Special Permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses, as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance:

1. The use shall be in general conformance with the information and drawings submitted with the Special Permit application, except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. The use shall be limited to one (1) goat on the property. The goat shall be evaluated by a licensed veterinarian annually and all vaccinations shall be kept up to date.
3. Vegetative cover shall not be over grazed or otherwise disturbed so as to cause, or threaten to cause, erosion.
4. Animal waste shall be properly managed to prevent off-site migration of waste or waste by-products. Waste shall be picked up daily.

After discussion, on motion made by Mrs. Cooper and seconded by Mr. Tufts, it was moved to amend Condition #4 of the above motion, as follows:

4. Animal waste shall be properly managed to prevent off-site migration of waste or waste by-products. ~~Waste shall be picked up daily.~~

After additional discussion, on motion made by Mr. McDade, it was moved to amend Condition #4 of the above motion, as follows:

4. Animal waste shall be properly managed to prevent off-site migration of waste or waste by-products. Waste shall be picked up ~~daily~~ as appropriate.

In that there was no second, the motion failed. Thereafter, the motion was rescinded by Mr. McDade.

After further discussion, on motion made by Mr. Tufts and seconded by Mr. McDade, it was moved to delete Condition #4 of the above motion, as follows:

- ~~4. Animal waste shall be properly managed to prevent off-site migration of waste or waste by-products. Waste shall be picked up daily.~~

After additional discussion, Mr. Tufts rescinded his motion to delete Condition #4 of the above motion.

The motion carried unanimously, as amended.

Thereafter, the original motion carried unanimously, as amended.

SPECIAL PERMIT – #SPPT-20-013098 – GLOBAL WAY, LLC (OWNER)/LITTLE FALLS RUN, LC (APPLICANT) – LOCK-IT-UP SELF STORAGE – An application for a Category 15 Special Permit to allow a self-storage facility, PIN 6990-71-0007-000, located at 10526 Global Way, Lee District, Bealeton, Virginia. (Kara Krantz, Staff)

Ms. Krantz reviewed the staff report.

After discussion, Mr. Meadows opened the public hearing.

Mr. Adam Rogers, representative, expressed agreement with the staff report and reviewed the proposal.

In that there were no further speakers, Mr. Meadows closed the public hearing.

After further discussion, on motion made by Mrs. Cooper and seconded by Mr. Tissue, it was moved to grant the Special Permit, after due notice and hearing, as required by *Code of Virginia* §15.2-2204 and Section 5-009 of the Fauquier County Zoning Ordinance, based upon the following Board findings:

1. The proposed use will not adversely affect the use or development of neighboring properties or will not impair the value of nearby land.
2. The proposed use is in accordance with the applicable zoning district regulations and applicable provisions of the Comprehensive Plan.

3. Pedestrian and vehicular traffic generated by the proposed use will not be hazardous or conflict with existing patterns in the neighborhood.
4. Adequate utility, drainage, parking, loading and other facilities are provided to serve the proposed use.
5. Air quality, surface and groundwater quality and quantity will not be degraded or depleted by the proposed use to an extent that would hinder or discourage appropriate development in nearby areas.
6. The proposed use is consistent with the general standards for Special Permits.

The Special Permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses, as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance:

1. The use shall be in general conformance with the information and drawings submitted with the Special Permit application, except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. Office hours for the self-storage facility shall generally be limited to between the hours of 9:00 a.m. and 6:00 p.m., Monday through Saturday, and 9:00 a.m. and 12:00 p.m., Sunday.
3. No storage, parking or other activities or accessory uses associated with the self-storage use shall be permitted in the portion of the property zoned Rural Agricultural.
4. Storage Buildings along the use area's Catlett Road (Route 28) or Global Way frontage shall not have a footprint greater than 7,000 square feet. Additionally, these buildings shall be designed to be architecturally compatible with rural structures (such as the farm market) in the vicinity of the subject property.
5. A minimum six (6) foot high solid fence or wall shall be installed along the entire perimeter of the storage use area, except where a storage building provides screening and security. The fence shall be located inside of any required landscape buffers. A chain link fence with slats shall not be utilized to satisfy the solid wall requirement.
6. A 30-foot landscape buffer shall be installed and maintained along the use area's Catlett Road (Route 28) frontage. The buffer shall consist of eight (8) evergreen trees, two (2) canopy trees, one (1) understory tree and fourteen (14) shrubs per 100 linear feet of frontage. These materials shall be planted in a random pattern which appears natural. The required evergreen trees shall consist of an approximately equal mix of at least three (3) different species, planted at three (3) different heights, a minimum of six (6) feet in height and varying by at least one (1) foot. All deciduous trees shall have a minimum caliper of 2¼ inches and shrubs shall have a minimum height of 30 inches at the time of planting.

7. The use area shall be completely screened from view along PIN 6990-61-3090-000, PIN 6990-50-4480-000 and along the western edge of Global Way.
8. Any future signage shall be in accordance with Article 8 of the Zoning Ordinance and all appropriate permits shall be obtained.
9. All applicable zoning, building, land disturbance and Health Department permits shall be obtained prior to establishment of the use.
10. PIN 6990-71-0007-000 shall only be permitted one (1) access point from Route 28. This shall be existing Global Way, or an alternate location approved by VDOT provided that the existing Global Way access point is removed.
11. All improvements to Route 28 and/or the Global Way entrance, as required by VDOT standards, shall be completed prior to establishment of the use. Improvements may include, but are not limited to, widening of Global Way, increasing entrance radii, acceleration/deceleration lanes and/or turn lanes.
12. A 50 foot wide inter-parcel access easement to PIN 6990-61-3090-000 shall be provided through the subject property. The existing easement (DB 617 Page 1480) may be vacated and relocated upon concurrence of both property owners.
13. An approved Site Plan shall be required prior to the establishment of the use.

The motion carried unanimously.

SPECIAL PERMIT – #SPPT-20-013124 – DAY SPRING MENNONITE CHURCH TRUSTEES a/k/a DAYSPRING MENNONITE CHURCH TRUSTEES (OWNER/APPLICANT) – DAYSPRING MENNONITE CHURCH – An application to amend a previously approved Category 6 Special Permit for a place of worship to allow the use to occur on recently acquired land, PIN 7900-02-9270-000, located at 5522 Catlett Road, Cedar Run District, Midland, Virginia. (Lauren Runyan, Staff)

Ms. Runyan reviewed the staff report.

Mr. Meadows opened the public hearing.

In that there were no speakers, Mr. Meadows closed the public hearing.

On motion made by Mr. Tufts and seconded by Mrs. Cooper, it was moved to grant the Special Permit, after due notice and hearing, as required by *Code of Virginia* §15.2-2204 and Section 5-009 of the Fauquier County Zoning Ordinance, based upon the following Board findings:

1. The proposed use will not adversely affect the use or development of neighboring properties or will not impair the value of nearby land.

2. The proposed use is in accordance with the applicable zoning district regulations and applicable provisions of the Comprehensive Plan.
3. Pedestrian and vehicular traffic generated by the proposed use will not be hazardous or conflict with existing patterns in the neighborhood.
4. Adequate utility, drainage, parking, loading and other facilities are provided to serve the proposed use.
5. Air quality, surface and groundwater quality and quantity will not be degraded or depleted by the proposed use to an extent that would hinder or discourage appropriate development in nearby areas.
6. The proposed use is consistent with the general standards for Special Permits.

The Special Permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses, as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance:

1. The use shall be in general conformance with the information and drawings submitted with the Special Permit application, except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. No off-street parking or loading area shall be within twenty-five (25) feet of any lot line.
3. The overflow parking shall be limited to the open field directly across the existing parking area, and clearly indicated on the Site Plan. Additionally, it shall only be used for weddings, funerals, the annual benefit auction, or other similar events.
4. The overflow grass parking area shall be maintained in a manner which prevents rutting or erosion, and be mowed to a height which minimizes the risk of fires.
5. Signage shall be limited to thirty-two (32) square feet maximum and required to obtain all necessary permits.
6. A Site Plan shall be required prior to utilizing the additionally acquired land.

The motion carried unanimously.

SPECIAL PERMIT - #SPPT-20-013288 – JUDITH M. SMILEY (OWNER/APPLICANT) – HEFLIN CPA, P.C. – An application to renew and amend a previously approved Category 13 Special Permit for a business or professional office with six or less employees, PIN 6974-89-2198-000, located at 7353 Iron Bit Drive, Marshall District, Warrenton, Virginia. (Josh Frederick, Staff)

Mr. Frederick reviewed the staff report.

Mr. Meadows opened the public hearing.

Ms. Judith Smiley, applicant, expressed agreement with the staff report.

In that there were no further speakers, Mr. Meadows closed the public hearing.

On motion made by Mr. Tissue and seconded by Mr. Tufts, it was moved to grant the Special Permit, after due notice and hearing, as required by *Code of Virginia* §15.2-2204 and Section 5-009 of the Fauquier County Zoning Ordinance, based upon the following Board findings:

1. The proposed use will not adversely affect the use or development of neighboring properties or will not impair the value of nearby land.
2. The proposed use is in accordance with the applicable zoning district regulations and applicable provisions of the Comprehensive Plan.
3. Pedestrian and vehicular traffic generated by the proposed use will not be hazardous or conflict with existing patterns in the neighborhood.
4. Adequate utility, drainage, parking, loading and other facilities are provided to serve the proposed use.
5. Air quality, surface and groundwater quality and quantity will not be degraded or depleted by the proposed use to an extent that would hinder or discourage appropriate development in nearby areas.
6. The proposed use is consistent with the general standards for Special Permits.

The Special Permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses, as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance:

1. The use shall be in general conformance with the information and drawings submitted with the Special Permit application, except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. The hours of operation shall be limited to 8:30 a.m. until 7:00 p.m., Monday through Friday, and 8:00 a.m. to 12:00 noon on Saturdays.
3. A maximum of three (3) employees shall be permitted on-site at any given time.
4. Client parking associated with the business shall be provided by the existing driveway for the property; such parking is not permitted on the subdivision streets.
5. Client appointments shall be staggered to ensure adequate parking pursuant to Condition number 4 above.

6. Any signage shall be limited to two (2) square feet and, prior to installation, a Sign Permit shall be required.
7. A Site Plan shall be required.

After discussion, on motion made by Mr. Meadows and seconded by Mr. Tufts, it was moved to amend Condition #2 of the above motion, as follows:

2. The hours of operation shall be limited to 8:30 a.m. until 7:00 p.m., Monday through Friday, and ~~8:00 a.m.~~ 8:30 a.m. to 12:00 noon on Saturdays.

The motion carried unanimously, as amended.

Thereafter, the original motion carried unanimously, as amended.

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at approximately 3:00 p.m.

John R. Meadows, Chairperson

Fran Williams, Secretary

Copies of all files and materials presented to the BZA are attached to and become part of these minutes. A recording of the meeting is on file for one (1) year.